

UNITED STATES DISTRICT COURT
for
WESTERN DISTRICT OF TENNESSEE

FILED BY 78 D.C.

05 OCT 31 PM 4: 43

U.S.A. vs. Preston E. ByrdDocket No. 2:05CR20032**Petition on Probation and Supervised Release**

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TENNESSEE

COMES NOW Edward E. Shaw **PROBATION OFFICER OF THE COURT** presenting an official report upon the conduct and attitude of Preston E. Byrd who was placed on supervision by the Honorable Ralph R. Erickson, sitting in the Court at Fargo, ND on the 19th day of August, 2003, who fixed the period of supervision at three (3) years* ** and imposed the general terms and conditions theretofore adopted by the Court and also imposed Special Conditions and terms as follows:

1. The defendant is to perform One Hundred (100) hours of community service. (Completed.)
2. The defendant shall maintain or actively seek employment.
3. The defendant shall disclose all financial records as directed by the Probation Officer.
4. The defendant shall not establish any new credit without permission of the Probation Officer.
5. The defendant shall comply with the conditions of Home Detention for five (5) months. (Completed)
6. The defendant shall pay \$130,787.32 in restitution in monthly installments of not less than ten percent (10%) of his monthly gross income. (Balance: \$70,022.32.)
7. The defendant pay a \$3,000 fine. (Balance: \$3,000.)

* Supervised Release began on March 4, 2004.

** Transfer of Jurisdiction executed: February 4, 2005

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Preston E. Byrd fits the criteria for early termination recommended by the Judicial Conference Committee on Criminal Law. Mr. Byrd has made progressive strides toward achieving supervision objectives and appears to pose no risk to public safety. The defendant has paid \$60,765.00 in restitution, and the U.S. Attorney's Office has a lien on his house. Norman Anderson, Assistant U. S. Attorney for the District of North Dakota, who prosecuted the case, has indicated that the government supports the recommendation for early termination.

PRAYING THAT THE COURT WILL ORDER that the defendant be discharged immediately from Supervised Release, with the understanding that the United States Attorney's Office will be responsible for the continued collection of restitution.

ORDER OF COURT

Considered and ordered this 31 day of October, 2005 and ordered filed and made a part of the records in the the above case.


Honorable Bernice B. Donald
United States District Judge

Respectfully,


Edward E. Shaw
United States Probation Officer

Place: Memphis, TNDate: 10/25/2005

(3)



Notice of Distribution

This notice confirms a copy of the document docketed as number 3 in case 2:05-CR-20032 was distributed by fax, mail, or direct printing on November 1, 2005 to the parties listed.

Terrell L. Harris
U.S. ATTORNEY'S OFFICE
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Honorable Bernice Donald
US DISTRICT COURT